

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

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Reg. No.: 14-008499
Issue No.: 4002
Case No.: ██████████
Hearing Date: October 16, 2014
County: MACOMB-DISTRICT 20
(WARREN)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, ██████████, Hearings Facilitator.

ISSUE

Did the Department properly deny Claimant's Cash (State Disability Assistance (SDA) program) application effective July 1, 2014?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 5, 2014, Claimant applied for Cash (SDA) benefits based on disability.
2. On June 25, 2014, the Department sent Claimant a Medical Determination Verification Checklist ("medical packet") and the medical packet was due back by July 7, 2014. See Exhibit 1, pp. 12-13.
3. Claimant failed to submit the requested medical verifications before the due date.
4. On July 16, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (SDA) application was denied effective July 1, 2014, ongoing,

due to her failure to return the requested medical packet by the due date. See Exhibit 1, pp. 4-11.

5. On July 22, 2014, Claimant filed a hearing request, protesting the Cash denial. See Exhibit 1, pp. 2-3.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (April 2014), p. 6.

For SDA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (July 2014), p. 6. The Department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

Additionally, BAM 815 explains the process for obtaining medical evidence provided by the client and how it would be reviewed by the Medical Review Team (MRT). See BAM 815 (July 2014), pp. 1-16.

On June 5, 2014, Claimant applied for Cash (SDA) benefits based on disability. On June 25, 2014, the Department sent Claimant a medical packet and it was due back by July 7, 2014. See Exhibit 1, pp. 12-13. The Department argued that Claimant failed to submit the requested verifications before the due date. Thus, on July 16, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (SDA) application was denied effective July 1, 2014, ongoing, due to her failure to return the requested medical packet by the due date. Exhibit 1, pp. 4-11.

In addition, the Department testified that it only received a verification of application or appeal for Supplemental Security Income (SSI)/ Retirement, Survivors, and Disability Insurance (RSDI) document and it was uploaded on July 9, 2014. The Department provided Claimant's electronic case file, which indicated the Social Security letter was received on July 9, 2014. See Exhibit 1, p. 14. Claimant's electronic case file did not indicate any other medical packet information received before the due date. See Exhibit 1, p. 14.

At the hearing, Claimant argued that she did submit medical documents and other documentation before the due date. Based on Claimant's testimony, she appeared to indicate that she dropped off documents on three separate occasions. On or around June 5, 2014, Claimant's electronic case file indicated she dropped off an application and driver's license. See Exhibit 1, p. 14. Claimant did not dispute this drop-off date. On or around June 13, 2014, Claimant submitted additional documentation such as a judgment of divorce, court documents, and driver's license. See Exhibit 1, p. 14. Again, Claimant did not dispute this drop-off date. However, Claimant disputed the drop-off date of July 9, 2014. In fact, Claimant testified that she submitted her Social Security letter and three medical documents before her due date. Claimant testified that she even observed DHS caseworkers scan her documents into the computer, thus, she is unclear why the Department did not receive her medical documents.

Additionally, Claimant indicated that she spoke to two DHS caseworkers regarding her program benefits. Claimant testified that one DHS caseworker handled her Food Assistance (FAP) program benefits and that DHS caseworker would return her phone calls. However, Claimant testified that the DHS caseworker who handled her Cash (SDA) application did not respond to her phone calls.

Finally, Claimant testified that she never received the medical packet dated June 25, 2014. See Exhibit 1, p. 12. Claimant acknowledged that the address was proper on the medical packet. Claimant also indicated that she did not have any issues with her mailing address. The Department testified that the medical packet was sent via central print and that it did not receive any undeliverable mail from the United States Postal Service (USPS).

Based on the foregoing information and evidence, the Department properly denied Claimant's Cash (SDA) application effective July 1, 2014, ongoing, in accordance with Department policy.

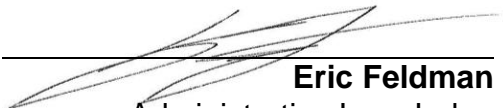
First, the proper mailing and addressing of a letter creates a presumption of receipt which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). It is found that Claimant failed to rebut the presumption of proper mailing. The evidence presented that the Department properly sent the medical packet to Claimant's address. Moreover, the Department did not receive any undeliverable mail from the USPS.

Second, because it was determined that the medical packet was properly mailed, the evidence presented that Claimant failed to submit the requested medical documentation before the due date. Claimant argued that she attempted to contact her DHS caseworker without any success. Nonetheless, Claimant must complete the necessary forms to determine her initial SDA eligibility. BAM 105, p. 6. In fact, Claimant alleged that she submitted medical documents before the due date; however, the evidence established that Claimant only submitted her Social Security letter subsequent to her due date. See Exhibit 1, p. 15. Because the medical packet was properly mailed and the Claimant failed to submit the medical packet before the due date, the Department acted in accordance with Department policy when it denied Claimant's Cash (SDA) application effective July 1, 2014. BAM 105, p. 6; BAM 130, p. 6; and BAM 815, pp. 1-16. Claimant can reapply for SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it properly denied Claimant's Cash (SDA) application effective July 1, 2014.

Accordingly, the Department's Cash (SDA) decision is AFFIRMED.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

EJF / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

